

UNITED STATES DISTRICT COURT

for the

_____ District of _____

United States of America
v.

Case No. MJ 23-945 KK

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court_____
Defendant(s)

CRIMINAL COMPLAINT

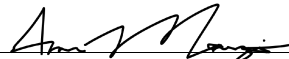
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of _____ in the

_____ District of _____, the defendant(s) violated:

*Code Section**Offense Description*

This criminal complaint is based on these facts:

☐ Continued on the attached sheet.*Complainant's signature*_____
Printed name and title

Telephonically sworn and electronically signed

Date: _____

*Judge's signature*

City and state: _____

Printed name and title

nI, Aran Marquis, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND OF THE AFFIANT

1. I am a special agent with the Federal Bureau of Investigation (“FBI”) and have been since 2019. I am currently assigned to the Albuquerque FBI’s Violent Gang Task Force (“VGTF”). As a member of the VGTF my primary responsibility is to investigate criminal enterprises involving violent repeat offenders and gang members who participate in violations of the Controlled Substances Act, firearms violations, murder, racketeering and other violations of federal law.

2. My investigative training and experience includes, but is not limited to, interviewing subjects, targets, and witnesses, writing affidavits for and executing search and arrest warrants, collecting evidence, conducting surveillance, and analyzing public records. I have also been responsible for serving subpoenas and supervising cooperating sources, as well as analyzing phone records.

3. I make this affidavit in support of the arrest of ANDREW WIESE (“WIESE”), a/k/a “WEEZY” (born in 1987) for violations of 18 U.S.C. §§ 922(g)(1) and 924, possession of a firearm by a convicted felon.

4. The statements contained in this affidavit are based upon my investigation, training and experience, and information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint against WIESE.

PROBABLE CAUSE
Criminal History

5. WIESE is a suspected gang member who has approximately 24 prior arrests in New Mexico and Arizona for numerous offenses including: DUI, narcotic drug-possession/use, narcotic drug-transport and/or sell, dangerous drug violation, drug paraphernalia violation, possession/use weapon in drug offense, narcotic drug-transport and/or sell (two arrests), probation violation (five arrests), parole violation, embezzlement (over \$20,000), aggravated 1st DWI, possession of a controlled substance (felony) (four arrests), failure to appear on a felony charge, unlawful taking of a motor vehicle, embezzlement of a motor vehicle (1st) offense, receiving/transferring stolen motor vehicles (five arrests), driving under the influence of liquor (two arrests), driving while license suspended or revoked, aggravated burglary (commits battery), aggravated battery (great bodily harm)(household member), aggravated 1st DWI, battery (household member), criminal damage to property (two arrests), aggravated battery (deadly weapon)(household member), battery upon a peace officer, breaking and entering, burglary (two arrests), receiving/transferring a stolen vehicle conspiracy, DWI: aggravated, and unauthorized graffiti over \$1,000.

6. Upon reviewing the New Mexico online secure court case information, I have probable cause to believe WIESE has at least four (4) prior felony convictions in New Mexico for:

- a. Possession of a controlled substance (felony – narcotic drug), on May 21, 2014, in the Bernalillo County District Court, Case No. D-202-CR-2014-00310;
- b. Unlawful taking of a motor vehicle (1st offense), on May 21, 2014, in the Bernalillo County District Court, Case No. D-202-CR-2013-05892;
- c. Aggravated battery against a household member and battery upon a peace officer, on October 13, 2010, in the Bernalillo County District Court, Case No. D-202-CR-2010-02192; and

- d. Conspiracy to commit receiving/transferring a stolen motor vehicle, on February 16, 2009, in the Bernalillo County District Court, Case No. D-202-CR-2008-03167.

In connection with these felony convictions, WIESE received sentences in excess of one year incarceration. For instance, in Cause No. D-202-CR-2013-05892, WIESE received a total sentence of 18 months' incarceration (suspended). Therefore, I have probable cause to believe that WIESE knew he had been convicted of an offense carrying over one year incarceration.

Investigation

7. On May 22, 2023, agents applied for and obtained a federal search warrant¹ for the residence at 321 56th Street Southwest, Albuquerque, New Mexico 87121 (the "PREMISES"), suspected to be the residence of WIESE. On the morning of May 24, 2023, agents executed the search warrant at the PREMISES. Inside the residence were WIESE, two adult females, and four children. At the rear of the property, agents detained another individual, who advised agents he was living in the property's casita, which was separate from the main residence. All occupants from the PREMISES were temporarily detained by agents as they conducted a search of the PREMISES.

8. During the search of the PREMISES, agents seized the following items of evidence:
 - a. A black 9mm FN model 509 pistol located in the main residence's master bedroom, which was identified as WIESE's bedroom;
 - b. A small bag of blue pills marked "M 30," suspected to contain fentanyl; and

9. While in custody, agents advised WIESE of his Miranda rights and WIESE agreed to speak with agents. WIESE stated he and his wife stayed in the main residence's master bedroom. WIESE stated was aware he had prior felony convictions and was not allowed to possess a firearm.

¹ 23-MR-1048 was signed on May 22, 2023 by the Honorable Karen B. Molzen, United States Magistrate Judge.

WIESE denied possessing any firearms and stated no firearms were inside the residence. WIESE stated an individual had broken into WIESE's residence in the past, and explained that other individuals, some unknown to WIESE, frequently entered WIESE's residence and left their property under WIESE's care without his permission. WIESE also advised agents that his wife had cleaned their (WIESE and his wife's) bedroom the previous evening and had moved the bed. WIESE declined to provide a DNA sample to agents but stated his DNA may be present on the firearm located in his bedroom because his wife may have moved the weapon and his DNA may have transferred onto her and then onto the weapon through indirect means.

10. WIESE was arrested by New Mexico State Police (NMSP) officers subsequent to the search for being a felon in possession of a firearm.

Interstate Nexus

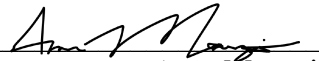
11. On May 25, 2023, agents examined the above referenced FN model 509 pistol seized from WIESE's bedroom. The firearm functioned as designed and meets the federal definition of a firearm pursuant to 18 U.S.C. § 921. Based on my training, research, and experience, I am aware that FN firearms are not manufactured in the state of New Mexico and therefore traveled in interstate commerce before it was possessed by WIESE.

Conclusion

12. Based on the above information, I believe there is probable cause that WIESE violated 18 U.S.C. §§ 922(g)(1) and 924, possession of a firearm by a convicted felon.

13. This affidavit has been reviewed and approved by Assistant United States Attorney Sarah Mease. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,



Aran Marquis
Special Agent
Federal Bureau of Investigation

Sworn telephonically and signed electronically
on May 29, 2023:



HONORABLE KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE
ALBUQUERQUE, NEW MEXICO